# Exhibit E

08-13555-mg Doc 7578-1 Filed 03/15/10 Entered 03/15/10 18:13:55 Exhibit Motion Exhibits E - K Pg 2 of 59

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF SUFFOLK

U.S. BANK NATIONAL ASSOCIATION, TRUSTEE FOR LEHMAN BROTHERS SECURITIZATION NAME STRUCTURED ASSET INVESTMENT LOAN TRUST,

Index No.: 07 2490

D/O/F:

Plaintiff,

-against-

JUAN SILVA; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE AND MORTGAGE OF RECORD; BNC MORTGAGE, INC.; "JOHN DOES" and "JANE DOES", said names being fictitious, parties intended being possible tenants or occupants of premises, and corporations, other entities or persons who claim, or may claim, a lien against the premises,

**SUMMONS** 

THE BASIS OF VENUE IS THAT THE PROPERTY IS SITUATED IN SAID COUNTY

Defendants.

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the Complaint in this action, and to serve a copy of your Answer, or, if the Complaint is not served with this Summons, to serve a Notice of Appearance on the Plaintiff's Attorneys within twenty (20) days after the service of this Summons, exclusive of the day of service, where service is made by delivery upon you personally within the State, or within thirty (30) days after completion of service where service is made in any other manner, and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The following notice is intended only for those defendants who are owners of the premises sought to be foreclosed or who are liable upon the debt for which the mortgage stands as security.

YOU ARE HEREBY PUT ON NOTICE THAT WE ARE ATTEMPTING TO COLLECT A DEBT, AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

The present amount of the debt as of the date of this summons: \$209,834.66 consisting of principal balance of \$195,997.96 plus interest of \$5,443.03, escrow/impound shortages or credits of \$6,480.00, late charges of \$493.67; Broker's Price Opinion, inspection and miscellaneous charges of \$-0-; attorney fee \$925.00 and title search \$495.00. Because of interest and other charges that may vary from day to day, the amount due on the day you pay may be greater. Hence, if you pay the amount shown above, an adjustment may be necessary after we receive the check, in which event we will inform you.

The name of the creditor to whom the debt is owed: U.S. BANK NATIONAL ASSOCIATION, TRUSTEE FOR LEHMAN BROTHERS SECURITIZATION NAME STRUCTURED ASSET INVESTMENT LOAN TRUST.

Unless you dispute the validity of the debt, or any portion thereof, within thirty (30) days after receipt hereof, the debt will be assumed to be valid by the herein debt collector.

If you notify the herein debt collector in writing within thirty (30) days after your receipt hereof that the debt, or any portion thereof, is disputed, we will obtain verification of the debt or a copy of any judgment against you representing the debt and a copy of such verification or judgment will be mailed to you by the herein debt collector.

Upon your written request within said thirty day period, the herein debt collector will provide you with the name and address of the original creditor if different from the current creditor

Note: Your time to respond to the summons and complaint differs from your time to dispute the validity of the debt or to request the name and address of the original creditor. Although you have as few as 20 days to respond to the summons and complaint, depending on the manner of service, you still have 30 days from receipt of this summons to dispute the validity of the debt and to request the name and address of the original creditor.

TO THE DEFENDANTS, except JUAN SILVA: The Plaintiff makes no personal claim against you in this action.

TO THE DEFENDANTS: JUAN SILVA: If you have obtained an order of discharge from the Bankruptcy court, which includes this debt, and you have not reaffirmed your liability for this debt, this law firm is not alleging that you have any personal liability for this debt and does not seek a money judgment against you. Even if a discharge has been obtained, this lawsuit to foreclose the mortgage will continue and we will seek a judgment authorizing the sale of the mortgaged premises.

Dated: January 18, 2007 Fishkill, New York

Daniel Wade, Esq.

ROSICKI, ROSICKI & ASSOCIATES, P.C.

Attorneys for Plaintiff 2 Summit Court, Suite 301 Fishkill, NY 12524

Phone: (845) 897-1600

SUPREME COURT OF THE	STATE	OF	NEW	YORK
COUNTY OF SUFFOLK				

U.S. BANK NATIONAL ASSOCIATION, TRUSTEE FOR LEHMAN BROTHERS SECURITIZATION NAME STRUCTURED ASSET INVESTMENT LOAN TRUST,

Index No.:

D/O/F:

Plaintiff,

VERIFIED COMPLAINT

-against-

JUAN SILVA; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE AND MORTGAGEE OF RECORD; BNC MORTGAGE, INC.; "JOHN DOES" and "JANE DOES", said names being fictitious, parties intended being possible tenants or occupants of premises, and corporations, other entities or persons who claim, or may claim, a lien against the premises,

### Defendants.

Plaintiff, by its attorney, ROSICKI, ROSICKI & ASSOCIATES, P.C., complaining of the Defendant(s) alleges, upon information and belief as follows:

- 1. At all times hereinafter mentioned, plaintiff U.S. BANK NATIONAL ASSOCIATION, TRUSTEE FOR LEHMAN BROTHERS SECURITIZATION NAME STRUCTURED ASSET INVESTMENT LOAN TRUST was and still is duly organized and existing under the laws of the State of California.
- 2. At all times hereinafter mentioned, the defendants were, and still are, residents, corporations and/or bodies politics, duly authorized to reside and/or exist in and under the laws of New York State.
- Mortgage, Inc., a certain note bearing date that day, whereby JUAN SILVA covenanted and agreed to pay the sum of \$196,000.00, which sum, with interest on the unpaid balance thereof, to be computed from the date of said note, at a rate variable in accordance with the aforesaid instrument, with the initial rate being 7.750 percent per annum, or such other adjusted rate as provided for in said agreement, by interest only payments of \$1,265.84 on October 1, 2005 and thereafter in payments of \$1,265.84 on the like date of each subsequent month subject to change in accordance with changes in interest rate, until said note is fully paid, except that the final payment of principal and interest remaining due, if not sooner paid, shall become due and payable on September 1, 2035.
- 4. As collateral security for the payment of said indebtedness, the aforesaid defendant(s) JUAN SILVA, also executed, acknowledged and delivered to BNC: Mortgage,

Inc., a mortgage dated August 26, 2005 and recorded in the County of Suffolk on September 26, 2005 in Liber/Reel 21137 of Mortgages, at page 15. The mortgage tax was duly paid. The aforesaid instruments were assigned to Plaintiff by assignments(s). Plaintiff is still the owner and holder of the aforementioned instrument(s).

Said mortgaged premises being known as and by street address:

60 South 31st Street, Wyandanch, NY 11798, bearing tax map designation:

Dist: 0100 Section: 054.00 Block: 02.00 Lot(s): 016.000 and 017.000

which premises are more fully described in Schedule "A," annexed hereto and made a part hereof.

- 5. Said premises are subject to covenants, restrictions, easements of record, prior mortgages and liens, and amendments thereto, if any; to any state of facts an accurate survey may show; railroad consents and sewer agreements, and to utility agreements, municipal and governmental zoning, rules, regulations and ordinances, if any.
  - 6. The total monthly payment due as of default date to plaintiff is \$1,757.49.
- 7. That the Mortgagors, their successors, assigns and/or transferees, have failed to comply with the terms and conditions of said above named instrument[s] by failing or omitting to pay the installment which became due and payable as of October 1, 2006 and also by failing or omitting to pay the installment which became due and payable each and every month thereafter, to the date hereof, although duly demanded.
- 8. That the terms of the above described instruments provide: (1) that the whole of said principal sum and interest shall become due at the option of the Mortgagee after default in the payment of any installment of principal or of interest; (2) that upon any default the Mortgagor will pay to the Mortgagee any sums paid for taxes, charges, assessments, and insurance premiums upon said mortgaged premises; (3) that in case of sale under foreclosure, the premises may be sold in one parcel.
- 9. Pursuant to the terms of said instrument[s] notice of default has been duly given to the defendants if required, and the period to cure, if any, has elapsed and by reason thereof, Plaintiff has elected and hereby elects to declare immediately due and payable the entire unpaid balance of principal.
- 10. That the balance of principal due upon said note and mortgage as of the date of said default and as of the time of this Complaint is \$195,997.96 plus interest from September 1, 2006.
- 11. That in order to protect its security, plaintiff may be compelled during the pendency of this action to make repairs to, board, secure, protect and maintain the premises, to pay taxes, assessments, water rates, sewer rentals, insurance premiums, mortgage insurance

premiums, if there be any, and other charges affecting the premises, and the plaintiff requests that any sum so paid be added to the sum otherwise due, with interest as provided in the aforesaid instruments, and be deemed secured by said instrument[s] and adjudged a valid lien on the premises hereinabove described.

- Foreclosure and Sale, said premises be sold subject to covenants, restrictions and easements, prior mortgages and liens, and amendments, if any, of record; any state of facts an accurate survey may show; restrictions, regulations, ordinances and zoning ordinances of any municipal or governmental authority having jurisdiction thereof; and municipal, departmental and other governmental violations, if any, affecting the premises; and real estate taxes, sewer rents, water charges, if any, open of record.
- 13. That no other action has been commenced at law or otherwise for the recovery of the sum or any part thereof secured by the said instrument[s].
- 14. That the defendants all have or claim to have some interest in or lien[s] upon the said mortgaged premises, or some part thereof, which interest or lien[s], if any, has [have] accrued subsequently to the lien[s] of the said mortgage[s] or was in express terms or by law made subject thereto, or has [have] been duly subordinated thereunto.
- 15. That the defendants "JOHN DOES" and "JANE DOES" may be tenants or may be in possession of the aforementioned premises, or may be corporations, other entities or persons who claim, or may claim, a lien against the premises.
- 16. That the basis for naming any political subdivision, governmental agency or similar body, or the holder of a security interest in personal property, if any, is set forth as Exhibit "B".

WHEREFORE, plaintiff demands judgment that the defendants and all persons claiming under them subsequent to the filing of the Notice of Pendency of this action in the County of Suffolk may be forever barred and foreclosed from all right, title, claim, lien and equity of redemption in said mortgaged premises, and each and every part thereof; except the right of the United States of America and its political subdivision, if it or they be a party to this action, to redeem as provided for in the applicable laws; that the said premises may be decreed to be sold according to law; that the amount of principal due the plaintiff on said note and mortgage may be adjudged in the sum of \$195,997.96 plus interest from September 1, 2006, and that from the money arising from the sale, plaintiff be paid the amount of \$195,997.96 principal due it on said note and mortgage with interest and late charges that may be due and owing to the time of such payment plus the expenses of sale and the costs and expenses of this action, together with any sum which may be paid by the plaintiff for repairs to, boarding, securing, protecting and maintaining the premises, taxes, charges, assessments and insurance premiums upon said mortgaged premises, with appropriate interest thereon so far as such moneys properly applicable

thereto will pay the same; that the defendants JUAN SILVA be adjudged to pay any deficiency which may remain; that a Receiver, upon plaintiff's application therefore, be forthwith appointed for said mortgaged premises for the benefit of the plaintiff, with all powers of receivers in such actions, and that the plaintiff have such other and further relief as may be just and proper in the premises, together with attorney's fees, costs and disbursements of this action.

Dated: January 18, 2007 Fishkill, New York

Daniel Wade, Esq.

ROSICKI, ROSICKI & ASSOCIATES, P.C.

Attorneys for Plaintiff 2 Summit Court, Suite 301 Fishkill, NY 12524 (845) 897-1600

### Schedule A

Title Number: 07-001078

ALL THAT CERTAIN PLOT, PIECE, OR PARCEL OF LAND, with the buildings and improvements thereon erected, situate, lying and being in the Town of Babylon, County of Suffolk and State of New York, known and designated as Lots 21, 22, 23, 24 and 25 in Block 48 on a certain map entitled, "Map of Wyandanch Springs Park" filed in the Suffolk County Clerk's Office on June 22, 1892 as Map Number 44, said lots when taken together being more particularly bounded and described, according to said map as follows:

BEGINNING at a point on the westerly side of 31st Street, distant 275 feet northerly from the corner formed by the intersection of the westerly side of 31st Street and the northerly side of Brooklyn Avenue, said point of beginning being the point where the westerly side of 31st Street is intersected by the division line between Lots 25 and 26;

THENCE along said division line South 81 degrees 16 minutes West, 100 feet to a stake at the southwest corner of Lot 25;

THENCE along the westerly side of Lots 25, 24, 23, 22 and 21 North 8 degrees 44 minutes West, 125 feet to a stake at the northwesterly corner of Lot 21;

THENCE along division line between Lots 20 and 21, North 81 degrees 16 minutes East, 100 feet to the westerly side of 31st Street;

THENCE along the westerly side of 31st Street, South 8 degrees 44 minutes East, 125 feet to the point or place of BEGINNING.

016.000 and 02.00 Lot: Block: 054.00 Section: 0100 District:

017,000

### **ATTORNEY'S VERIFICATION**

STATE OF NEW YORK	)	
	)	SS
COUNTY OF DUTCHESS	)	

Daniel Wade, Esq., the undersigned, an attorney duly admitted to practice law before the Courts of the State of New York, affirms under the penalty of perjury;

That (s)he is an associate of ROSICKI, ROSICKI & ASSOCIATES, P.C., attorney of record for plaintiff in the above entitled action; that (s)he has read the foregoing Summons and Complaint and knows the contents thereof; that the same is true to affiant's knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters (s)he believes it to be true.

The reason that this verification is made by the undersigned and not by plaintiff is because plaintiff maintains its principal place of business outside Dutchess County; that being the County in which your affiant maintains an office for the practice of law.

The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are based upon the records of plaintiff in deponent's possession.

Dated: January 18, 2007 Fishkill, New York

Daniel Wade, Esq.

Index No.:

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF SUFFOLK

U.S. BANK NATIONAL ASSOCIATION, TRUSTEE FOR LEHMAN BROTHERS SECURITIZATION NAME STRUCTURED ASSET INVESTMENT LOAN TRUST,

Plaintiff,

-against-

JUAN SILVA, et al.,

Defendants.

#### SUMMONS AND VERIFIED COMPLAINT

### ROSICKI, ROSICKI & ASSOCIATES, P.C.

Attorneys for Plaintiff

2 Summit Court, Suite 301

Fishkill, NY 12524

(845) 897-1600

(845) 897-2648

RR&A #: 07-000978

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Filed 03/15/10 Entered 03/15/10 18:13:55 Exhibit 08-13555-mg Doc 7578-1 Motion Exhibits E - Krosica Lastin Associates, PC - Chase San Diego

584 Main Street, Islip NY 11751

SUPREME Court Of The State of New York

County of SUFFOLK

Index No. 2490/07

U.S. BANK NATIONAL, ET AL	PLAINTIFF(S)	Affidavit of Service
JUAN SILVA, ET AL	DEFENDANT(S)	BOLVICE

### STATE OF NEW YORK, COUNTY OF SUFFOLK

SS.:

Richard Schultz being duly sworn, deposes and says: that deponent is not a party to this action, is over 18 years of age and resides in the STATE OF NEW YORK

That on 01/26/2007 at 2:35PM at 510 BROADHOLLOW ROAD, SUITE 101, MELVILLE, NY 11747 deponent served the within Summons and Verified Complaint bearing INDEX# 2490/07 and a date of filing of 01/22/2007 upon BNC MORTGAGE, INC. defendant therein named

CORPORATION

a Domestic Corp, by delivering thereat a true copy of each to JENNIFER SCOTTO personally; deponent knew said Domestic Corp so served to be the Domestic Corp described as the name defendant and knew said individual to be the ACCOUNT MANAGER thereof an authorized person to accept service of process

DESCRIPTION

Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows:

Sex MIF	Skin Color	Hair Color	Age (Approx)	Height (Approx)	Weight(Approx)
FEMALE	WHITE	BROWN	26	5'7	115

Other Identifying features:

Richard Schultz. PROCESS SERVER LIC#

Reference Number: 07-000978

JAN 3 1 2007

## Exhibit F

08-13555-mg Doc 7578-1 Filed 03/15/10 Entered 03/15/10 18:13:55 Exhibit Notion Exhibits E - K Pg 13 of 59

ORIGINAL

At an IAS Term, Part, of the Supreme Court of the State of New York, held in and for the County of Suffolk, at the Courthouse located at 235 Griffing Avenue, Riverhead, New York 11901 on the 20 th day of

Ex-Parte

, 2007.

PRESENT:

DENISE F. MOLLA

Hon.

Justice

U.S. BANK NATIONAL ASSOCIATION, TRUSTEE FOR LEHMAN BROTHERS SECURITIZATION NAME STRUCTURED ASSET INVESTMENT LOAN TRUST,

Plaintiff,

-against-

JUAN SILVA; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE AND MORTGAGEE OF RECORD; BNC MORTGAGE, INC.; 'JOHN DOES' and 'JANE DOES,' said names being fictitious, parties intended being possible tenants or occupants of premises, and corporations, other entities or persons who claim, or may claim, a lien against the premises,

Index No.: 2490/07

ORDER APPOINTING
REFEREE TO COMPUTE

MOTION/CROSS/OSC
FEE PAID
Judith A. Pascale
Suffolk County Clerk

MAY LOW

Defendants.

Upon reading and filing of the Affirmation of Thomas Frost, Esq., dated March  $\partial \mathcal{O}$ , 2007, the affidavit of Joe Lanning, sworn to on January 31, 2007, setting forth the proceedings had herein and the facts which entitle the plaintiff to the relief requested and upon the Summons and Verified Complaint, and Notice of Pendency, filed in the Office of the Clerk of the County of Suffolk, on January 22, 2007; and it appearing to the satisfaction of this Court from the

aforesaid documents that this action was brought to foreclose a mortgage on real property situate in the County in which this Court is located; that the entire unpaid balance secured thereby is due and owing; and proof that all defendants have been duly served; their time to answer having expired, and all defendants have defaulted or appeared and waived notice of this application; and it appearing that none of the defendants is an infant, incompetent or absentee; and after due deliberation,

NOW, on motion of ROSICKI, ROSICKI & ASSOCIATES, P.C., attorney for Plaintiff, it is

ORDERED, that the motion is hereby granted; and it is further

ORDERED, that this action is referred to Theresa. Arx. Mari Esq., having an office at 1.0. Box 463, Hun Lington to

compute the amount due to Plaintiff, except attorney's fees shall be determined by the Court, and to report whether the mortgaged premises should be sold in one parcel; and it is further

**ORDERED**, that the caption be amended by substituting DANA CILLEY in place of the defendant(s) 'JOHN DOES' and 'JANE DOES,' and by striking therefrom the names of the remaining 'JOHN DOES' and 'JANE DOES,' such names being fictitious; and all papers and proceedings heretofore filed herein shall be deemed amended accordingly; and it is further

ORDERED, that the caption as amended shall read as follows:

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF SUFFOLK

U.S. BANK NATIONAL ASSOCIATION, TRUSTEE FOR LEHMAN BROTHERS SECURITIZATION NAME STRUCTURED ASSET INVESTMENT LOAN TRUST,

Plaintiff,

-against-

JUAN SILVA; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE AND MORTGAGEE OF RECORD; BNC MORTGAGE, INC.; DANA CILLEY,

Defendants.

and it is further

**ORDERED** that by accepting this appointment, the referee certifies that she/he is in compliance with Part 36 of the Rules of the Chief Judge (22 NYCRR Part 36) including, but not limited to Section 36.2(c) ("Disqualification from Appointment") and Section 36.2(d) ("Limitations on Appointments Based on Compensation"); and it is further

**ORDERED,** that on the filing of the Referee's Report and Oath, and the confirmation thereof, without further notice, Plaintiff have final judgment of foreclosure and sale.

GRANTED

JUN-2 0 2007 Judith A. Pascale CLERK OF SUFFOLK COUNTY ENTER

ISC

08-13555-mg Doc 7578-1 Filed 03/15/10 Entered 03/15/10 18:13:55 Exhibit Motion Exhibits E - K Pg 16 of 59

### Schedule A

Title Number: 07-001078

ALL THAT CERTAIN PLOT, PIECE, OR PARCEL OF LAND, with the buildings and improvements thereon erected, situate, lying and being in the Town of Babylon, County of Suffolk and State of New York, known and designated as Lots 21, 22, 23, 24 and 25 in Block 48 on a certain map entitled, "Map of Wyandanch Springs Park" filed in the Suffolk County Clerk's Office on June 22, 1892 as Map Number 44, said lots when taken together being more particularly bounded and described, according to said map as follows:

BEGINNING at a point on the westerly side of 31<sup>st</sup> Street, distant 275 feet northerly from the corner formed by the intersection of the westerly side of 31<sup>st</sup> Street and the northerly side of Brooklyn Avenue, said point of beginning being the point where the westerly side of 31<sup>st</sup> Street is intersected by the division line between Lots 25 and 26;

THENCE along said division line South 81 degrees 16 minutes West, 100 feet to a stake at the southwest corner of Lot 25;

THENCE along the westerly side of Lots 25, 24, 23, 22 and 21 North 8 degrees 44 minutes West, 125 feet to a stake at the northwesterly corner of Lot 21;

THENCE along division line between Lots 20 and 21, North 81 degrees 16 minutes East, 100 feet to the westerly side of 31<sup>st</sup> Street;

THENCE along the westerly side of 31<sup>st</sup> Street, South 8 degrees 44 minutes East, 125 feet to the point or place of BEGINNING.

District: 0100 Section: 054.00 Block: 02.00 Lot: 016.000 and

017.000

# Exhibit G

08-13555-mg Doc 7578-1 Filed 03/15/10 Entered 03/15/10 18:13:55 Exhibit







## SUFFOLK COUNTY CLERK RECORDS OFFICE RECORDING PAGE

Type of Instrument: JUDGMENT OF FORECLOSUR Recorded: 12-Mar-2008
Index Number: 07 02490 Sequence Number: 533

Plaintiff(s):

U.S. BANK NATIONAL ASSOCIATION

Defendant(s):

SILVA, JUAN; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.; ET AL

Tax Map ID(s):

Liber Page(s):

M00021137 S

THIS PAGE IS A PART OF THE INSTRUMENT THIS IS NOT A BILL

Judith A. Pascale County Clerk, Suffolk County <sub>(59</sub>)

ORIGINAL

21/37

At an IAS Term \_\_\_\_, Part \_\_\_\_ of the Supreme Court of the State of New York, held in and for the County of Suffolk, at the Courthouse thereof located at One Court Street, Riverchical Williams (2003), on the 28th day of February, 2003.

Hon. <u>Denise F. Molia</u> Justice

U.S. BANK NATIONAL ASSOCIATION, TRUSTEE FOR LEHMAN BROTHERS SECURITIZATION NAME STRUCTURED ASSET INVESTMENT LOAN TRUST,

Plaintiff.

-against-

JUAN SILVA; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE AND MORTGAGEE OF RECORD; BNC MORTGAGE, INC.; DANA CILLEY,

Defendants.

ENTERED: MAR 12 2008

Index No.:2490/07

JUDGMENT OF FORECLOSURE AND SALE

Premises Address: 60 South 31st Street Wyandanch, NY 11798

MOTION/CROSS/OSC FEE PAID Judith A. Pascale Suffolk County Clerk

**DET** 16 2007

Upon the reading of the Affirmation of Danie | B. Wade, Esq., signed on october 12, 2007, the Summons, Verified Complaint and Notice of Pendency of Action filed on January 22, 2007, and proof that all defendants have been duly served and the affidavits of service were duly filed with the Clerk of the Court, and more particularly referred to in the Affirmation of Regularity of Thomas Frost, signed on March 20, 2007, from which Affirmation it appears that this is an action to foreclose a mortgage upon real property situate within the territorial jurisdiction of this Court; that the whole amount thereon, as alleged in the Verified Complaint, is presently due and owing, with interest thereon, as therein alleged; and upon the prior Order of this Court appointing a Referee to ascertain and compute the amount due the plaintiff, and to examine and report whether the mortgaged premises can be sold in one parcel, by which report, filed simultaneously herewith, the Referee has reported that the sum of

ENTERPRISE PROCESS SERVICE, INC.
152 Islip Avenue, Suite 18
Islip, New York 11751
(631) 224-1334

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20 DIrect

\$208,908.34 is due and owing to plaintiff as of January 31, 2007; and that the mortgaged premises should be sold in one parcel; that the time for each defendant to answer or move with respect to the Complaint has expired; that none of the defendants is an infant, incompetent or absentee, and that all defendants are in default; and the same having regularly come on to be heard before this Court, and after due deliberation;

NOW, on motion of **ROSICKI**, **ROSICKI** & **ASSOCIATES**, **P.C.**, attorneys for plaintiff, it is

**ORDERED, ADJUDGED AND DECREED**, that the motion is granted and the report of the Referee is hereby confirmed; and it is further

ORDERED, ADJUDGED AND DECREED, that the mortgaged premises described in the Verified Complaint, as hereinafter described, be sold in one parcel, subject to any real estate taxes, assessments, water rents and sewer rents, unless same are due and payable on the date of sale, or any adjourned date thereof, irrespective of the date upon which same have become or may be a lien upon the said premises; prior mortgages, liens and judgments of record, if any, zoning restrictions and any amendments thereto, according to law, and now in force; subject to the state of facts an accurate survey may show; covenants, restrictions, agreements, reservations and easements of record, if any, and to any and all violations thereof; any and all building and zoning regulations, restrictions and ordinances of the municipality in which said premises are located, and violations, and/or liens of same, including, but not limited to, reapportionment of lot lines, and vault charges, if any; any and all orders or requirements issued by any governmental body having jurisdiction against or affecting said premises and violations of the same; the physical condition of any buildings or structure on the premises as the date of sale hereunder; rights of tenants or occupants in possession, if any; the rights of any defendants pursuant to

CPLR §317, 2003 and 5015, if any; and other conditions as set forth in the terms of sale; any sale to be held hereunder will be subject to the rights of the United States of America to redeem, if Babylon Town Half by and under the any; at public auction at No. Lindenhurst, NY 11757 direction of Theresa A. Mari; that said Referee give public notice of the time and place of said sale according to law and the practice of this Court in the that the plaintiff or any other party to this action may AMITYVILLE RECORD become the purchaser at such sale; that in the event the plaintiff shall become the purchaser at said sale, it shall not be required to make any deposit thereon; that said Referee execute to the purchaser or purchaser(s) on such sale a deed or deeds of the premises sold; that all deed stamps, transfer taxes and recording fees, if any, shall be paid by the purchaser; that the Referee on receiving the proceeds of sale shall forthwith pay therefrom the taxes, assessments, water rates and sewer rents or environmental liens which are liens on the premises and are due and payable, as of the date of sale with such interest or penalties which may lawfully have accrued thereon to the day of payment; that the Referee then deposit the balance of the proceeds of this sale in his own name as Referee in CHASE BANK, any branchand shall thereafter make the following payments and his checks drawn for that purpose shall be paid by the said depository, to wit:

FIRST: The Referee shall pay a sum not exceeding \$500.00, the amount allowed by CPLR §8003, to the said Referee as his fee herein;

**SECOND:** The Referee shall pay the expenses of the sale and advertising expenses as shown on bills presented and certified by the said Referee to be correct.

**THIRD:** The Referee shall pay to plaintiff or his attorney the sum of \$208,908.34, being the amount due as aforesaid, together with interest to the date of the sale directed herein

or to the date of the delivery of the Referee's Deed, whichever is later, or so much thereof as the purchase money will pay of the same.

FOURTH: The Referee shall pay the sum of \$ 2039 as taxed by the Clerk of the Court and hereby adjudged to the plaintiff for costs and disbursements in this action, with interest thereon from the date hereof, together with such advances as the plaintiff shall have made for mortgage insurance premiums, fire and other casualty insurance, and such other expenses incurred, including but not limited to repairs, maintenance, boarding and securing the premises, and payments on account of prior mortgages, if any, with interest at the contract rate thereon, for the protection of the said premises, or so much thereof as the purchase money of the mortgaged premises will pay the same; together with an additional allowance of \$300.00, hereby awarded to plaintiff in addition to the costs and disbursements, with interest thereon from the date hereof; together with the sum of \$1,800.00 for Plaintiff's attorney's fees and expenses which sum shall be added to and made a part of the judgment herein; and it is further

**ORDERED, ADJUDGED AND DECREED,** that the Referee at the time of sale shall accept a written bid from the plaintiff or the plaintiff's attorney, just as though plaintiff were physically present to submit said bid, and it is further

**ORDERED, ADJUDGED AND DECREED,** that the referee shall conduct the foreclosure sale only if plaintiff, its successors and/or assigns, or its representative is present at the sale or the referee has received a written bid and Terms of Sale from plaintiff, its successors and/or assigns, or its representative; and it is further

**ORDERED, ADJUDGED AND DECREED,** that in case the plaintiff be the purchaser of said mortgaged premises at said sale, or in the event that the rights of the purchaser, or its

's \$ ?

assignee, shall be assigned to and be acquired by the plaintiff, and a valid assignment thereof filed with said Referee, said Referee shall not require the plaintiff to pay in cash the entire amount bid at said sale, but shall execute and deliver to the plaintiff a deed or deeds of the premises sold upon the payment to said Referee of the amounts specified above in items marked "FIRST" and "SECOND" and the amounts of the aforesaid taxes, assessments, water rents and sewer rents, and interest or penalties thereon, or in lieu of the payment of said last mentioned amounts, upon filing with said Referee receipts of the proper municipal authorities showing the payment thereof; or an affidavit by plaintiff setting forth that payment has been made; provided however plaintiff shall not be required to pay said taxes, assessments, water rents and sewer rents, unless same are due and payable on the date of sale, or any adjourned date thereof, irrespective of the date upon which same have become or may be a lien upon the said premises; that the balance of the amount bid, after deduction therefrom of the aforesaid amounts paid by the plaintiff for Referee's fees, advertising expenses and taxes, assessments, water rates and sewer rents, shall be allowed to the plaintiff and applied by the Referee upon the amounts due to the plaintiff as specified above in items marked "THIRD" and "FOURTH;" that if, after so applying the balance of the amount bid, there shall be a surplus over and above the said amounts due to the plaintiff, the plaintiff shall pay to the Referee upon delivery to it of the said Referee's deed, the amount of such surplus; that the Referee on receiving said amounts from the plaintiff shall forthwith pay therefrom said taxes, assessments, water rates, sewer rents, and interest or penalties thereon, unless the same shall have already been paid, the Referee shall then deposit the balance in said depository as hereinabove directed; and it is further

ORDERED, ADJUDGED AND DECREED, that the Referee herein designated to sell the premises under foreclosure be and he is hereby directed to ascertain the sums due and owing to defendant BNC MORTGAGE, INC. as provided for in its mortgage and mortgage note both dated August 26, 2005 and if there be any surplus monies arising from the foreclosure sale, to pay the same over to said defendant BNC MORTGAGE, INC. or so much thereof as will pay the indebtedness due and owing to said defendant BNC MORTGAGE, INC. and in the event there be any deficiency thereafter said defendant subordinate mortgagee have judgment therefore upon making appropriate application therefore to this court; and it is further

**ORDERED,** that by accepting this appointment, the referee certifies that she/he is in compliance with Part 36 of the Rules of the Chief Judge (22 NYCRR Part 36) including, but not limited to Section 36.2(c) ("Disqualification from Appointment") and Section 36.2(d) ("Limitations on Appointments Based on Compensation"); and it is further

ordered, Adjudged and Decreed, that said Referee take the receipts for the money so paid out by him, and file it with the Report of Sale; that he deposit the surplus monies, if any, with the left tolk county Treasurer within five days after the same shall be received and be ascertainable, to the credit of this action, to be withdrawn only on the Order of this Court; that the Referee shall make a report of such sale and file it with the Clerk of the within 30 days of Such Sale, Tarsuant to Rapid 1355(1) County in which this action is pending, with all convenient speed; and it is further

ordered, adjudged and decreed, that if the proceeds of such sale be insufficient to pay the amount so reported due to the plaintiff with the expenses of the sale, advances, attorney's fees, interest, costs and allowances, as aforesaid, the Referee shall specify the amount of such deficiency in his Report of Sale and that the plaintiff recover of the defendant(s) JUAN SILVA the whole deficiency or so much thereof as the Court may determine to be just and equitable of the residue of the mortgage debt remaining unsatisfied, after a sale of

the mortgaged premises and the application of the proceeds thereof, provided a motion for a

deficiency judgment shall be made as prescribed by Section 1371 of the Real Property Actions and Proceedings Law, and the amount thereof determined and awarded by an Order of this Court as provided for in said section; and it is further

ORDERED, ADJUDGED AND DECREED, that the purchaser(s) at said sale be let into possession on production of the Referee's deed or deeds; and it is further

ORDERED, ADJUDGED AND DECREED, that each and all of the defendants, in this action and all persons by, through or claiming under them or any or either of them, after the filing of the Notice of Pendency of this action, be and they hereby are forever barred and foreclosed of all right, claim, lien, title interest and equity of redemption in said mortgaged premises, and each and every part thereof.

A description of the real property under foreclosure is annexed as Schedule "A."

Said premises being known as and by street address: 60 South 31st Street, Wyandanch, New York and bearing tax map designation: District: 0100 Section: 054.00 Block: 02.00 Lot: 016.000 and 017.000.

Dated:

GRANTED

FFB 28 2008

JUDITH A. PASCALE

EN/T/ER

R

08-13555-mg Doc 7578-1 Filed 03/15/10 Entered 03/15/10 18:13:55 Exhibit Motion Exhibits E - K Pg 26 of 59

### Schedule A

Title Number: 07-001078



ALL THAT CERTAIN PLOT, PIECE, OR PARCEL OF LAND, with the buildings and improvements thereon erected, situate, lying and being in the Town of Babylon, County of Suffolk and State of New York, known and designated as Lots 21, 22, 23, 24 and 25 in Block 48 on a certain map entitled, "Map of Wyandanch Springs Park" filed in the Suffolk County Clerk's Office on June 22, 1892 as Map Number 44, said lots when taken together being more particularly bounded and described, according to said map as follows:

BEGINNING at a point on the westerly side of 31<sup>st</sup> Street, distant 275 feet northerly from the corner formed by the intersection of the westerly side of 31<sup>st</sup> Street and the northerly side of Brooklyn Avenue, said point of beginning being the point where the westerly side of 31<sup>st</sup> Street is intersected by the division line between Lots 25 and 26;

THENCE along said division line South 81 degrees 16 minutes West, 100 feet to a stake at the southwest corner of Lot 25;

THENCE along the westerly side of Lots 25, 24, 23, 22 and 21 North 8 degrees 44 minutes West, 125 feet to a stake at the northwesterly corner of Lot 21;

THENCE along division line between Lots 20 and 21, North 81 degrees 16 minutes East, 100 feet to the westerly side of 31<sup>st</sup> Street;

THENCE along the westerly side of 31<sup>st</sup> Street, South 8 degrees 44 minutes East, 125 feet to the point or place of BEGINNING.

District: 0100 Section: 054.00 Block: 02.00 Lot: 016.000 and

017,000

SUPREME COURT OF THE STACOUNTY OF SUFFOLK	<u>``</u>	- Marine
U.S. BANK NATIONAL ASSOCIATION LEHMAN BROTHERS NAME STRUCTURED ASSET IN TRUST,	CIATION, TRUS SECURITIZAT NVESTMENT LO	TEE ION DAN
	Plaintiff,	Index No.: 2490/07
-against-		COSTS OF PLAINTIFF
JUAN SILVA, et al.,		
	Defendants.	y.
Costs before Note of Issue filed, CPLR §8201(1)		
Additional Allowance by Statute -	CPLR §8302(a)(b	<u>))</u> :
addl.(not exceeding \$200) \$200 at addl.(not exceeding \$800) \$800 at " (not exceeding \$2000) \$2000 at " (not exceeding \$5000) \$5000 at 111111111111111111111111111111111	5 5%\$40.00 t 2%\$40.00 t 1%\$50.00	
Additional Allowance by Statute -	CPLK §8302(a)	\$50.00
FE	ES AND DISBU	RSEMENTS
Fee for Index Number and Filing I CPLR 8018(a), 8021(a)(12)	aplaint 003(a))	\$620.00 \$500.00 \$95.00 \$50.00 \$4.00
	v	\$2,039.00
Taxed at \$	12 day of _	March , 2007.2008
	Clerk	

Index No. 2490/07



SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF SUFFOLK

U.S. BANK NATIONAL ASSOCIATION, TRUSTEE FOR LEHMAN BROTHERS SECURITIZATION NAME STRUCTURED ASSET INVESTMENT LOAN TRUST,

Plaintiff,

-against-

JUAN SILVA, et al.,

Defendants.

## JUDGMENT OF FORECLOSURE AND SALE WITH AFFIRMATION AND BILL OF COSTS

ROSICKI, ROSICKI & ASSOCIATES, P.C.

WV.

Daniel B. Wade, Esq. Attorneys for Plaintiff

Attorneys for Plaintiff 2 Summit Court, Suite 301 Fishkill, New York 12524 (845) 897-1600

(845) 897-2648

RR&A #: 07-00097 91 130 LOOZ

SUPFOLK COUNTY

HE: IIMA SI AMMENDA

08-13555-mg Doc 7578-1 Filed 03/15/10 Entered 03/15/10 18:13:55 Exhibit Motion Exhibits E - K Pg 29 of 59

2008 MAR 12 AM 11:34 SUFFOLK COUNTY CLERK

# Exhibit H

### NOTICE OF SALE SUPREME COURT: SUFFOLK COUNTY

U.S. Bank National Association, et al., Plaintiff(s)

vs. Juan Silva, et al., Defendant(s)

Attorney (s) for Plaintiff (s): ROSICKI, ROSICKI & ASSOCIATES, P.C., 2 Summit Court, Suite 301, Fishkill New York 12524 (845) 897-1600

Pursuant to judgment of foreclosure and sale entered herein on or about March 12, 2008, I will sell at Public Auction to the highest bidder at Babylon Town Hall, 200 E. Sunrise Highway. No. Lindenhurst, NY 11757.

On August 5, 2008 at 9:30 AM

Premises known as 60 South 31st Street, Wyandanch, NY 11798
ALL THAT CERTAIN PLOT, PIECE, OR PARCEL OF LAND, with the buildings and improvements thereon erected, situate, lying and being in the Town of Babylon, County of Suffolk and State of New York, known and designated as Lots 23, 24, and 25 in Block 48 on a certain map entitled, "Map of Wyandanch Springs Park" filed in the Suffolk County Clerk's Office on June 22, 1892 as Map Number 44.

District: 0100 Section: 054.00 Block: 02.00 Lot: 016.000

As more particularly described in the judgment of foreclosure and sale.

Sold subject to all of the terms and conditions contained in said judgment and terms of sale.

Approximate amount of judgment \$208,908.34 plus interest and costs.

INDEX NO. 2490/07

Theresa A. Mari, Esq., REFEREE

SUPREME COURT	OF THE	STATE	OF	NEW	YORK
COUNTY OF SUFF	OLK				

U.S. BANK NATIONAL ASSOCIATION, TRUSTEE FOR LEHMAN BROTHERS SECURITIZATION NAME STRUCTURED ASSET INVESTMENT LOAN TRUST,

Plaintiffs,

AFFIDAVIT OF SERVICE

Index No.: 2490/07

JUAN SILVA, et al.,

-against-

	Defendants.
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STATE OF NEW YORK	)
	) ss: ·
COUNTY OF DUTCHESS	)

Alison Durr, being duly sworn, deposes and says:

That I am not a party to the action, am over the age of 18 years and reside in Dutchess County, New York.

That on July 3, 2008, deponent served the within Notice of Foreclosure Sale, by depositing a true copy thereof in a post-paid wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York, addressed to each of the following persons at the last known address set forth after each name:

JUAN SILVA 60 South 31st Street Wyandanch, NY 11798

Theresa A. Mari, Esq. P.O. Box 463 Huntington, NY 11743-0463

Occupants 60 South 31st Street Wyandanch, NY 11798

Dana Cilley 60 South 31st Street Wyandanch, NY 11798 Juan Silva 30 Hamilton Place Hempstead, NY 11550

Mortgage Electronic Registration Systems, Inc as Nominee and Mortgagee of Record 3300 SW 34<sup>th</sup> Avenue, Ste 101 Ocala, FL 34474

BNC Mortgage, Inc 510 Broadhollow Road, Ste 101 Melville, NY 11747

BNC Mortgage, Inc 1901 Main Street Irvine, CA 92614

Sworn to before me on this

Notary Public State of New York Qualified in Dutchess County Reg. No. 01BA618427 Commission Expires 04/07/2012

## Exhibit I

THIS DEED, made the 5th day of August, 2008



BETWEEN Theresa A. Mari Esq., P.O. Box 463, Huntington, NY 11743-0463 Referee duly appointed in the action hereinafter mentioned, Grantor, and

U.S. Bank National Association, As Trustee, 10790 Rancho Bernardo Road, San Diego, CA 92127 Grantee,

Said premises known as and by the street address: 60 South 31st Street, Wyandanch, NY 11798.

### SEE SCHEDULE "A" ANNEXED HERETO AND MADE A PART HEREOF.

Said premises being and intended to be the same premises conveyed by Deed dated August 26, 2005, from Michelle Gilley to Juan Silva, recorded September 26, 2005, in Liber 12411 at page 422.

TO HAVE AND TO HOLD the premises granted unto the grantee U.S. Bank National Association, As Trustee, and its assigns forever. Whenever the text requires, the singular number herein shall include the plural and all genders.

IN WITNESS WHEREOF, the grantor has set his hand and seal, the date first above written.

Theresa Mari, Esq., Referee

STATE OF NEW YORK

COUNTY OF SUFFOLK

On the 9 day of August in the year 2008, before me, the undersigned, a notary public in and for said state, personally appeared Theresa A. Mari, Esq., personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity that by his/her their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s), agted executed the instrument.

NOTAR PUBLIC

SHERYL L RANDAZZO

Notary Public, State of New York
No. 02RA5050332

Qualified in Suffolk County

Commission Expires October 10, 2004





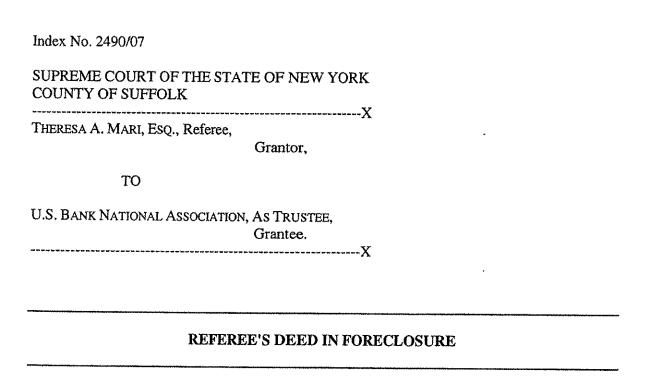
### Schedule A

### Amended June 10, 2008

Title Number: 07-001078

ALL THAT CERTAIN PLOT, PIECE, OR PARCEL OF LAND, with the buildings and improvements thereon erected, situate, lying and being in the Town of Babylon, County of Suffolk and State of New York, known and designated as Lots 23, 24 and 25 in Block 48, on a certain map entitled, "Map of Wyandanch Springs Park" filed in the Suffolk County Clerk's Office on June 22, 1892 as Map Number 44.

District: 0100 Section: 054.00 Block: 02.00 Lot: 016.000

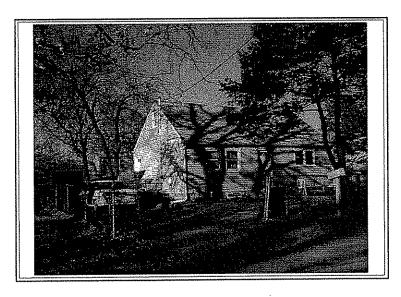


SECTION: 054,00 BLOCK: 02.00 LOT: 016,000 and 017,000

RECORD AND RETURN TO: U.S. Bank National Association, As Trustee 10790 Rancho Bernardo Road San Diego, CA 92127

# Exhibit J

### APPRAISAL OF



A SINGLE FAMILY RESIDENTIAL PROPERTY

## LOCATED AT:

60 South 31st Street Wyandanch, NY 11798-2725

FOR:

Cahn & Cahn, LLP 22 High Street Suite #3 Huntington, NY 11743

AS OF:

January 20, 2010

APPRAISED VALUE:

\$130,000

BY:

Kevin W. Matheson, SRA, CSA-R #45-1526 NYS Certified Resid RE Appraiser

January 20, 2010

Daniel K. Cahn, Esq. Cahn & Cahn, LLP 22 High Street Suite #3 Huntington, NY 11743

File Number: E001008

Attention Mr. Daniel K. Cahn, Esq.

In accordance with your request, I have appraised the real property at:

60 South 31st Street Wyandanch, NY 11798-2725

The purpose of this appraisal is to develop an opinion of the market value of the subject property, as improved. The property rights appraised are the fee simple interest in the site and improvements.

In my opinion, the market value of the property as of January 20, 2010

is:

\$130,000 One Hundred Thirty Thousand Dollars

The attached report contains the description, analysis and supportive data for the conclusions, final opinion of value, descriptive photographs, limiting conditions and appropriate certifications.

Respectfully Submitted,

Kevin W. Matheson, SRA, CSA-R

#45-1526 NYS Certified Resid RE Appraiser

Field Appraiser

# 08-13555-mg Doc 7578-1 Filed 03/15/10 Entered 03/15/10 18:13:55 Exhibit Motion Exhibits E - K Pg 41 of 59

Exterior-Only Inspection Residential Appraisal Report FILE No. E001008

Ti	he purpose of this summary appraisal report i	s to provide I	the tender/cli	ent with an acc	curate, ai	nd adequately	suppor	ted, c	pinlon of the	market v	due of the	subject pro	perty.
	Property Address 60 South 31st Street				city Wy	andanch_				itate NY	Zip Code 1	<u> 11798-2</u>	725
	Borrower N/A	***************************************	Owner o	Public Record	Silva,	Jaun			(	County Su	ffolk		
	Legal Description District 100 Section	54 Blo	ck 2 Lot										]
	Assessor's Parcel # Same As Above				Tax Year	2009					6,034 €		
	Neighborhood Name Wyandanch Sprin	ns Park				ence 3 4/L			(	Census Trac	1224.0	6	
SUBJECT	Occupant X Owner Tenant Vaca		Snarial	Assessments \$				PU			per ve		r month
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E				X Other (descr	L 00	n Dofault							
ï		) Kennance	transaction (	22 High S	troot C	uito #2 Li	lunting	***	NV 117	43			
	Lender/Client Cahn & Cahn, LLP		Address	ZZ Migh 8	Heet 3	uне #3, п	ICH RII IC	HUII	, 141 117	Yes XII			
	is the subject property currently offered for sale or	has it been offi	ered for sale in	the twelve monti	s prior to	ine ellective da	te of this	appra	ISBI7			~	
	Report data source(s) used, offering price(s), and of	date(s). <u>NO</u>	t known to	tne appra	user a	s per wuit	ibie Li	Sun	g Service	, Comp	S IIIC.		
	Idid X did not analyze the contract for sal	le for the subje	ct purchase tra	nsaction. Explain	i the resul	is of the analysi	s of the c	ontrac	a for sale or w	ny tne anaty	sis was not p	periormea.	
	The appraiser did not analyze th	ne contrac	t for sale	. The prop	erty is	not for sa	ile at t	กเร	time.				
D		····						~ <del>~~~</del>			- 1116		
RA	Contract Price \$ N/A Date of Co	ontract N/A		Is the property s	eller the o	wner of public re	ecord?		Yes No		rce(s) N/A		
N	is there any financial assistance (loan charges, sal	le concessions	gift or downpa	yment assistanc	e, etc.) to	be paid by any	party on t	behaif	of the borrow	ar? L	اليا Yes	No	1
CONTRACT	If Yes, report the total dollar amount and describe												
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		·····											
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	Location Urban X Suburban Ru		perty Values	Increasing			eclining)	7	PRICE	AGE	One-Unit		96 %
			nand/Supply	Shortage		Balance X (		oly	\$(000)	(yrs)	2-4 Unit		1 %
9		US 14-	rbetten Time	Under 3 mth			over 6 mt		60 Lov		Multi-Fami	lγ	%
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Z	support facilities such as places	of worsh	ip, snopp	ing, emplo	уптепт,	recreatio	n anu	pur	nic tratis	ivi iativi	<u> -</u>		
П													
	Market Conditions (including support for the above	e conclusions)	See Atta	iched Addi	enaum		<del></del>				<del></del>		
					~~~~						5 1 1		
	Dimensions 75 x 100		Area 75,0	0 Sq.Ft.		Shape Re	ectang	lulai	<u> </u>	View I	ypical		
	Specific Zoning Classification Residence "	C"	Zoning Desc	ription Min 7	<u>,500 S</u>	F							
ŀ	Zoning Compliance X Legal No	onconformina (	Grandfathered	Use) No	Zoning	litegal (de							
	Is the highest and best use of the subject property	as improved (	or as proposed	per plans and s	necification	os) the present	use?	[X]	Yes No	If No, de	scribe		]
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									Off-site Impr		-Туре	Public	Private
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7 L	Utilities Public Other (describe) Electricity X		Water	Public					Off-site Impr Street ASP Alley	ovements- halt		X	Private
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Exterior-Only Inspection Residential Appraisal Report FID No. E001008

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There are 11 compa	rable properties curr	ently off	ered for sain	e in the subj	ect neighbor	hood rangi	ng in price	from \$ 115,	,000 to\$	219				
There are 6 compa	rable sales in the sul	bject nei	ighborhood within the past twelve months rang				ing in sale price from \$ 80,000				to\$ 190,000			
FEATURE	SUBJECT		COMPARABLE SALE NO. 1				COMPARABLE SALE NO. 2				COMPARABLE SALE NO. 3			
60 South 31st Str	reet		93 S 20	6th Stre	et			w Avenue		10 S 24th Street				
Address Wyandano	:h		Wyand	anch, N	IY 1179	18	Wyandanch				<u>ndanch</u>			
Proximity to Subject			0.28 miles NE				0.71 miles ESE				0.39 miles E			
Sale Price S N/A			s 80.000			s 155,000				\$ 190,000				
Sale Price/Gross Liv. Area	s 0.00	sa. ft.	s 61.54 sq. it.			\$ 112.16 sq.n.			s 150.44 sq.ft.					
Data Source(s)			MIS#	224244	8			2201216		MLS	#2020875			
Verification Source(s)					<del></del>									
	DECCRIPTIO	111	DESC	RIPTION	4034	djustment	DES	CRIPTION	+(-) \$ Adjustment	DE	SCRIPTION	+(-) \$ Adjustment		
VALUE ADJUSTMENTS	DESCRIPTIO	2000200	Cash	ALL FION	113.5.	ajosu açan	FHA	Y . 11 . 11 . 11 . 11 . 11 . 11 . 11 .		FHA		-		
Sale or Financing			Casii				1 1 1/-1			,	·			
Concessions			401441	2000			1/7/20	10		1/23	/29 -12%	-22,800		
Date of Sale/Time	N/A		12/11/2								urban	22,000		
Location	Suburban		Suburb				Subur							
Leasehold/Fee Simple	Fee Simple		Fee Si	mple			Fee S				Simple	. 40, 000		
Site	12,500 Sq.F	-t.	10,000	) Sq.Ft.	-	+5,000			+13,000			+13,000		
View	Typical		Typica	Ï			Comn	nercial	+5,000					
Design (Style)	Cape		Cape		-		Cape			Cap	<u>e                                      </u>			
Quality of Construction	Average		Averag	je			Avera	ge		Ave	rage			
Actual Age	53+/- Years	;	55+-/	<u> </u>			45+/-			75+				
	Average		Poor	~	+4	40.000	Good		-30,000	Ave	rage			
Condition	<del></del>	-41-	<del></del>		<del></del> -		Total Born	s. Baths		Total B				
Above Grade		aths	Total Barms				7 4		-10.000		3 2	-10,000		
Room Count		1	6 4	1 1					- 10,000	<del> </del>	1,263 sq. ft.			
Gross Living Area	1300+/-*			00+/- sq.				882+/- sq. ft.	±40 000	(F. ill	Basement			
Basement & Finished	Full Baseme	ent		semen	- 1		Crawl		T 10,000			40.000		
Rooms Below Grade	Unknown		Unfinis			<u>No Adj</u>			<b></b>		shed/wBath	<u>-12,000</u>		
Functional Utility	Single Fam	ily	Single	Family				Family	<b></b>	Mtr/		-20,000		
Heating/Cooling	HWBB		Centra	I/None				al/None			tral/None			
Energy Efficient Items	Insulated V	Vinds				+7,000	Insula	ited Wind			lated Wind			
Garage/Carport	Driveway	.,,	1 Car	Garage		10,000					y/Carport	-3,000		
	Deck		None	MAX		+2.000			+2,000	Pati	0			
Porch/Patio/Deck			SD #9				SD #9	}	1	SD				
School Dist	SD #9		SU #3				†~~ <i>"</i> ^		<del> </del>	<del>1</del>				
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<u> </u>		Section (see	8 625			44 000	<del> </del>	X -  \$	10,000		+ (X)-  \$	54,800		
Net Adjustment (Total)			[X]+		\$ .	<u>44,000</u>			10,000	No. A	dj28.8%	0.,000		
Adjusted Sale Price			Net Adj.	55.0%			Net Adj.	-6.5%	445.000	INEX A	aj20.0%	135,200		
			Gross Adj.	80.0%	s 1	24.000	Gross Ad	45.2% \$	145,000	Gross	Adj. 42,5% \$	130,200		
of Comparables														
of Comparables    X did	esearch the sale or t	ransfer h	nistory of the	e subject pro	operty and co	omparable :	sales. Il no	, explain <u>R</u> e	esults are list	ed be	elow.			
My research did D	S did not reveal any	prior sa	oles or trans	fers of the s	operty and co	omparable s	sales. If no hree years	, explain Re	esults are list	raisal.	elow.			
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# 08-13555-mg Doc 7578-1 Filed 03/15/10 Entered 03/15/10 18:13:55 Exhibit Motion Exhibits E - K Pg 43 of 59

File No. E001008 Exterior-Only Inspection Residential Appraisal Report Clarification of Intended Use and Intended User: The Intended User of this appraisal report is the Client. The Intended Use is to evaluate the property that is the subject of this appraisal for litigation of a previous transaction, subject to the stated Scope of Work, purpose of the appraisal, reporting requirements of this appraisal report form, and Definition of Market Value. No additional Intended Users are identified by the appraiser. COST APPROACH TO VALUE (not required by Fannie Mae) Provide adequate information for the lender/client to replicate the below cost figures and calculations. Support for the opinion of site value (summary of comparable land sales or other methods for estimating site value) ESTIMATED REPRODUCTION OR REPLACEMENT COST NEW Sq. Ft. @ \$ Dwelling Source of cost data Sq. Ft. @ \$ .,.,.... \$ Effective date of cost data Quality rating from cost service Comments on Cost Approach (gross living area calculations, depreciation, etc.)

The cost approach was not considered, due to this being an ..... = \$ Garage/Carport Sq. Ft. @ \$ . . , , , . . . , , , = \$ Total Estimate of Cost-New exterior street viewing only. Physical Functional External Less = \$ { Depreciation Depreciated Cost of Improvements ...... s "As-is" Value of Site improvements..... -3 Years INDICATED VALUE BY COST APPROACH... Estimated Remaining Economic Life (HUD and VA only) INCOME APPROACH TO VALUE (not required by Fanale Mae) Indicated Value by Income Approach X Gross Rent Multiplier =\$ Estimated Monthly Market Rent \$ Summary of Income Approach (including support for market rent and GRM) PROJECTINFORMATION FOR PUDS (If applicable) is the developer/builder in control of the Homeowners' Association (HOA)? Yes No Urit type(s) Detached Attached Provide the following information for PUDs ONLY if the developer/builder is in control of the HOA and the subject property is an attached dwelling unit. Legal name of project Total number of units sold Total number of phases Total number of units Total number of units for sale Data source(s) Total number of units rented Was the project created by the conversion of an existing building(s) into a PUD?

Yes No If Yes, date of conversion.

Does the project contain any multi-dwelling units?

Yes No Data source(s) Yes No II No, describe the status of completion. Are the units, common elements, and recreation facilities complete? Are the common elements leased to or by the Homeowners' Association? Yes No If Yes, describe the rental terms and options. Describe common elements and recreational facilities.

Exterior-Only Inspection Residential Appraisal Report FIN No. E001008

This report form is designed to report an appraisal of a one-unit property or a one-unit property with an accessory unit; including a unit in a planned unit development (PUD). This report form is not designed to report an appraisal of a manufactured home or a unit in a condominium or cooperative project.

This appraisal report is subject to the following scope of work, intended use, intended user, definition of market value, statement of assumptions and limiting conditions, and certifications. Modifications, additions, or deletions to the intended user, definition of market value, or assumptions and limiting conditions are not permitted. The appraiser may expand the scope of work to include any additional research or analysis necessary based on the complexity of this appraisal assignment. Modifications or deletions to the certifications are also not permitted. However, additional certifications that do not constitute material alterations to this appraisal report, such as those required by law or those related to the appraiser's continuing education or membership in an appraisal organization, are permitted.

SCOPE OF WORK: The scope of work for this appraisal is defined by the complexity of this appraisal assignment and the reporting requirements of this appraisal report form, including the following definition of market value, statement of assumptions and limiting conditions, and certifications. The appraiser must, at a minimum: (1) perform a visual inspection of the exterior areas of the subject property from at least the street, (2) inspect the neighborhood, (3) inspect each of the comparable sales from at least the street, (4) research, verify, and analyze data from reliable public and/or private sources, and (5) report his or her analysis, opinions, and conclusions in this appraisal report.

The appraiser must be able to obtain adequate information about the physical characteristics (including, but not limited to, condition, room count, gross living area, etc.) of the subject property from the exterior-only inspection and reliable public and/or private sources to perform this appraisal. The appraiser should use the same type of data sources that he or she uses for comparable sales such as, but not limited to, multiple listing services, tax and assessment records, prior inspections, appraisal files, information provided by the property owner, etc.

**INTENDED USE:** The intended use of this appraisal report is for the lender/client to evaluate the property that is the subject of this appraisal for a mortgage finance transaction.

INTENDED USER: The intended user of this appraisal report is the lender/client.

**DEFINITION OF MARKET VALUE:** The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he or she considers his or her own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U. S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions\* granted by anyone associated with the sale.

\*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

STATEMENT OF ASSUMPTIONS AND LIMITING CONDITIONS: The appraiser's certification in this report is subject to the following assumptions and limiting conditions:

- The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title
  to it, except for information that he or she became aware of during the research involved in performing this appraisal. The
  appraiser assumes that the title is good and marketable and will not render any opinions about the title.
- 2. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in this appraisal report whether any portion of the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
- 3. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand, or as otherwise required by law.
- 4. The appraiser has noted in this appraisal report any adverse conditions (such as needed repairs, deterioration, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the research involved in performing this appraisal. Unless otherwise stated in this appraisal report, the appraiser has no knowledge of any hidden or unapparent physical deficiencies or adverse conditions of the property (such as, but not limited to, needed repairs, deterioration, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) that would make the property less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, this appraisal report must not be considered as an environmental assessment of the property.
- 5. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that the completion, repairs, or alterations of the subject property will be performed in a professional manner.

Fantile Mae Form 2055 March 200

Exterior-Only Inspection Residential Appraisal Report File No. E001008

#### APPRAISER'S CERTIFICATION: The Appraiser certifies and agrees that:

- 1. I have, at a minimum, developed and reported this appraisal in accordance with the scope of work requirements stated in this appraisal report.
- 2. I performed a visual inspection of the exterior areas of the subject property from at least the street. I reported the condition of the improvements in factual, specific terms. I identified and reported the physical deficiencies that could affect the livability, soundness, or structural integrity of the property.
- 3. I performed this appraisal in accordance with the requirements of the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
- 4. I developed my opinion of the market value of the real property that is the subject of this report based on the sales comparison approach to value. I have adequate comparable market data to develop a reliable sales comparison approach for this appraisal assignment. I further certify that I considered the cost and income approaches to value but did not develop them, unless otherwise indicated in this report.
- I researched, verified, analyzed, and reported on any current agreement for sale for the subject property, any offering for sale of the subject property in the twelve months prior to the effective date of this appraisal, and the prior sales of the subject property for a minimum of three years prior to the effective date of this appraisal, unless otherwise indicated in this report,
- 6. I researched, verified, analyzed, and reported on the prior sales of the comparable sales for a minimum of one year prior to the date of sale of the comparable sale, unless otherwise indicated in this report.
- 7. I selected and used comparable sales that are locationally, physically, and functionally the most similar to the subject property.
- 8. I have not used comparable sales that were the result of combining a land sale with the contract purchase price of a home that has been built or will be built on the land.
- I have reported adjustments to the comparable sales that reflect the market's reaction to the differences between the subject property and the comparable sales.
- 10. I verified, from a disinterested source, all information in this report that was provided by parties who have a financial interest in the sale or financing of the subject property.
- 11. I have knowledge and experience in appraising this type of property in this market area.
- 12. I am aware of, and have access to, the necessary and appropriate public and private data sources, such as multiple listing services, tax assessment records, public land records and other such data sources for the area in which the property is located.
- 13. I obtained the information, estimates, and opinions furnished by other parties and expressed in this appraisal report from reliable sources that I believe to be true and correct.
- 14. I have taken into consideration the factors that have an impact on value with respect to the subject neighborhood, subject property, and the proximity of the subject property to adverse influences in the development of my opinion of market value. I have noted in this appraisal report any adverse conditions (such as, but not limited to, needed repairs, deterioration, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) observed during the inspection of the subject property or that I became aware of during the research involved in performing this appraisal. I have considered these adverse conditions in my analysis of the property value, and have reported on the effect of the conditions on the value and marketability of the subject property.
- 15. I have not knowingly withheld any significant information from this appraisal report and, to the best of my knowledge, all statements and information in this appraisal report are true and correct.
- 16. I stated in this appraisal report my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the assumptions and limiting conditions in this appraisal report.
- 17. I have no present or prospective interest in the property that is the subject of this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or opinion of market value in this appraisal report on the race, color, religion, sex, age, marital status, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property or on any other basis prohibited by law.
- 18. My employment and/or compensation for performing this appraisal or any future or anticipated appraisals was not conditioned on any agreement or understanding, written or otherwise, that I would report (or present analysis supporting) a predetermined specific value, a predetermined minimum value, a range or direction in value, a value that favors the cause of any party, or the attainment of a specific result or occurrence of a specific subsequent event (such as approval of a pending mortgage loan application).
- 19. I personally prepared all conclusions and opinions about the real estate that were set forth in this appraisal report. If I relied on significant real property appraisal assistance from any individual or individuals in the performance of this appraisal or the preparation of this appraisal report, I have named such individual(s) and disclosed the specific tasks performed in this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in this appraisal report; therefore, any change made to this appraisal is unauthorized and I will take no responsibility for it.
- 20. I identified the lender/client in this appraisal report who is the individual, organization, or agent for the organization that ordered and will receive this appraisal report.

Exterior-Only Inspection Residential Appraisal Report

File No. E001008

- 21. The lender/client may disclose or distribute this appraisal report to: the borrower; another lender at the request of the borrower; the mortgagee or its successors and assigns; mortgage insurers; government sponsored enterprises; other secondary market participants; data collection or reporting services; professional appraisal organizations; any department, agency, or instrumentality of the United States; and any state, the District of Columbia, or other jurisdictions; without having to obtain the appraiser's or supervisory appraiser's (if applicable) consent. Such consent must be obtained before this appraisal report may be disclosed or distributed to any other party (including, but not limited to, the public through advertising, public relations, news, sales, or other media).
- 22. I am aware that any disclosure or distribution of this appraisal report by me or the lender/client may be subject to certain laws and regulations. Further, I am also subject to the provisions of the Uniform Standards of Professional Appraisal Practice that pertain to disclosure or distribution by me.
- 23. The borrower, another lender at the request of the borrower, the mortgagee or its successors and assigns, mortgage insurers, government sponsored enterprises, and other secondary market participants may rely on this appraisal report as part of any mortgage finance transaction that involves any one or more of these parties.
- 24. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.
- 25. Any intentional or negligent misrepresentation(s) contained in this appraisal report may result in civil liability and/or criminal penalties including, but not limited to, fine or imprisonment or both under the provisions of Title 18, United States Code, Section 1001, et seq., or similar state laws.

#### SUPERVISORY APPRAISER'S CERTIFICATION: The Supervisory Appraiser certifies and agrees that:

- 1. I directly supervised the appraiser for this appraisal assignment, have read the appraisal report, and agree with the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
- 2. I accept full responsibility for the contents of this appraisal report including, but not limited to, the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
- 3. The appraiser identified in this appraisal report is either a sub-contractor or an employee of the supervisory appraiser (or the appraisal firm), is qualified to perform this appraisal, and is acceptable to perform this appraisal under the applicable state law.
- 4. This appraisal report complies with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
- 5. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

	AND
APPRAISER	SUPERVISORY APPRAISER (ONLY IF REQUIRED)
Signature Max	Signature
Name Kevin W. Matheson, SRA, CSA-R	Name
Name Kevin VV. Watteson, orka, CoA-K	Company Name
Company Name Appraisal Reports, Inc.	Company Address
Company Address 21 Third Avenue, Suite #27	•
Bay Shore, NY 11706	Telephone Number
Telephone Number 631-321-5962 Email Address Appraisals@Appraiseny.com	Email Address
Email Address Appliaisais@Appliaiserry.com	Date of Signature
Date of Signature and Report 01/21/2010	State Certification #
Effective Date of Appraisal 1/20/2010	or State License #
State Certification # 45-1526	State
or State License # State #	State Expiration Date of Certification or License
State NY	enteriorization and or organization at a second
Expiration Date of Certification or License 12/30/11	
Explication Date of Certification of License 12700711	
ADDRESS OF PROPERTY APPRAISED	SUBJECT PROPERTY
60 South 31st Street	Did not inspect exterior subject property
Wyandanch, NY 11798-2725	Did inspect exterior of subject property from street
FT WINGS WILL I THOU WIND	Date of Inspection
APPRAISED VALUE OF SUBJECT PROPERTY \$ 130,000	
741174044 11404 01 0000011110	
LENDER/CLIENT	COMPARABLE SALES
Name Daniel K. Cahn, Esq.	Did not inspect exterior of comparable sales from street
Company Name Cahn & Cahn, LLP	Did inspect exterior of comparable sales from street
Company Address 22 High Street Suite #3	Date of Inspection
Huntington, NY 11743	
Email Address	

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| Borrower: N/A | Pg 47 of 59 | File No.: E001008 |

Property Rights Appraised:

General Comments

The purpose of this appraisal is to estimate the market value of the subject property as of the effective date of the appraisal. The report will function as a guide for the Law Firm of Cahn & Cahn, LLP which is client mentioned in this report.

in preparing this appraisal, the appraiser has been requested to perform an exterior viewing only and not to disturb the occupants by entering the building. The physical characteristics used to develop this appraisal are based on the assessment records and on the multiple listing service if available. The subject was observed from the public street as of the effective date of the appraisal. Based on the observed conditions, the assessment records and multiple listing service information appear to be accurate. For the purposes of this appraisal, it is assumed that the interior condition of the subject property is consistent with the exterior conditions as observed, and that the information concerning the interior condition as provided by the assessor's records and the multiple listing service is accurate.

Per prior agreement with the client, the appraiser did not value the site and did not use the cost approach to value, although this approach would generally be considered meaningful in appraising a property of this type.

Data was collected from a variety of sources including, but not limited to, public land records, a multiple listing service, tax records, brokers, buyers, sellers, comps inc. And in-office files.

The form summarizes the process and conclusion of the value for the sales comparison approach and a final value conclusion. Additional supporting data can be found in our appraisal file.

The highest and best use is considered to be as is.

The subject is not a manufactured home and is permanently affixed to the foundation. Manufactured homes are not common to this area.

It should be noted that a review of all transfers of residential property known to have taken place in the subject area was undertaken before comparable sale selection was finalized.

Due to the subject only being viewed from the street and the appraiser not being able to measure the subject, the gross living area information was obtained from the assessor's office (if possible) or was estimated by the appraiser.

The tax information in this report has been given to the appraiser by the respective town and/or village and is assumed to be correct.

This appraiser assumes a certificate of occupancy exists for the subject as described herein.

The client ordered this appraisal as an exterior only report. No interior viewing was completed. The occupancy is marked on the first page based on the norm for the neighborhood, unless otherwise noted.

The appraiser reserves the right to revise this report upon a full viewing of the subject property.

For the purpose of this appraisal report, the word inspect should be view or viewed. This would mean that the appraiser has viewed, not inspected, the property and it's characteristics. The appraiser is not an expert in the field of engineering, home inspections or environmental issues. The appraiser views the property where possible and reports what is seen. No tests of any sort were prepared to draw any

This appraiser is not and engineer or home inspector, therefor the reader of this report should not rely on this appraisal as a substitute for a home inspection.

The electronic signatures in this report are secured with security protected access codes. This has been approved and accepted by uspap, the appraisal institute as well as major banks and lending institutions including fannie mae.

Note that the photographs submitted with this appraisal report are original digital images. These digital images have not been altered or modified in any shape or form as to mislead the reader of this report. If there were any people in the pictures, they have been removed.

The map in this report is generated by the computer. The accuracy may not be to the exact location but is very close and is not intended to mislead the reader.

This report was ordered as an exterior report only. Due to this fact, the appraiser does not know if the utilities are on or off, if repairs are needed, and what a cost to cure would be.

Unless otherwise stated in this report, the existence of hazardous materials, which may or may not be present on the property, was not observed by the appraiser. The appraiser has no knowledge of the existence of such materials on or in the property. The appraiser, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation, and other potentially hazardous materials may affect the value of the property. The value estimated is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for such conditions or for any expertise or engineering knowledge required to discover them. The intended user is urged to retain an expert in this field if desired.

The intended User of this appraisal report is Cahn & Cahn, LLP. The intended Use is to evaluate the property that is the subject of this appraisal for an estimated market value, subject to the stated Scope of Work, purpose of the appraisal, reporting requirements of this appraisal form, and Definition of Market Value. No additional Intended Users are identified by the appraiser.

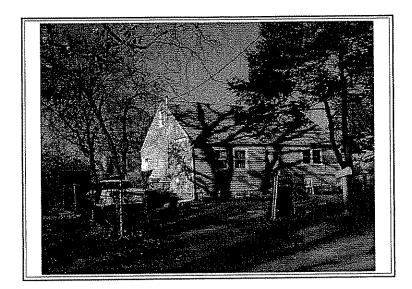
The appraisal of this subject property includes a separate piece of vacant land adjacent to the north side of the property. This lot is 50 x 100 which is not a buildable lot. A premium was given in the sales comparison analysis for this extra land, due to no one individual would want it with out an adjacent property.

Neighborhood Market Conditions

A search of public records including Comps Inc, Multiple Listings and information derived from conversations with local real estate professionals and local news, indicate a decline in prices. These same brokers also indicate that the typical house takes at least 4 months to sell provided it is priced properly, and that the resale market is very slow with an over supply of available properties. The direction of values in the future appear to be declining according to most reports to date.

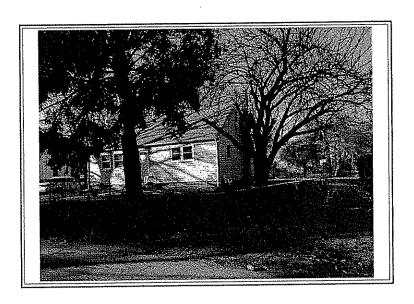
08-13555-mg Doc 7578-1 Filed 03/15/10 Entered 03/15/10 18:13:55 Exhibit

Borrower: N/A
Property Address: 60 South 31st Street
City: Wyandanch
Lender: Cahn & Cahn, LLP

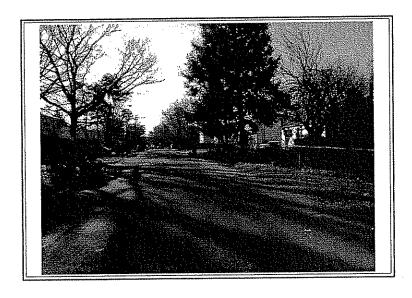


FRONT VIEW OF SUBJECT PROPERTY

Appraised Date: January 20, 2010 Appraised Value: \$ 130,000



REAR VIEW OF SUBJECT PROPERTY



STREET SCENE



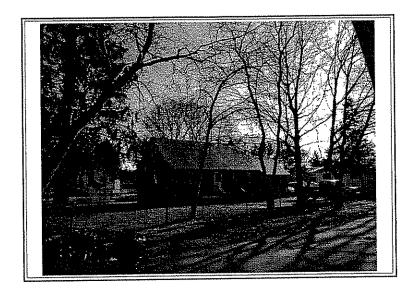
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Property Address: 60 South 31st Street
City: Wyandanch
Lender: Cahn & Cahn, LLP

State: NY

State: NY

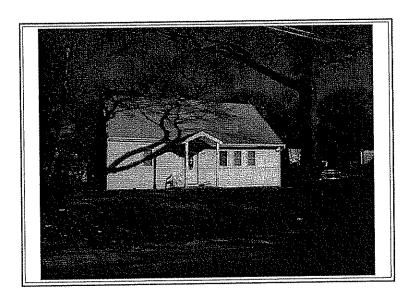
State: NY

Zip: 11798-2725



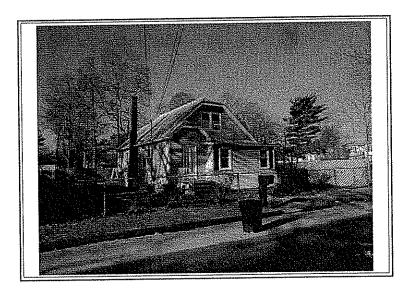
COMPARABLE SALE #1

93 S 26th Street Wyandanch, NY 11798 Sale Date: 12/11/2009 Sale Price: \$ 80,000



COMPARABLE SALE #2

97 New Avenue Wyandanch Sale Date: 1/7/2010 Sale Price: \$ 155,000



COMPARABLE SALE #3

10 S 24th Street Wyandanch Sale Date: 1/23/29 -12% Sale Price: \$ 190,000



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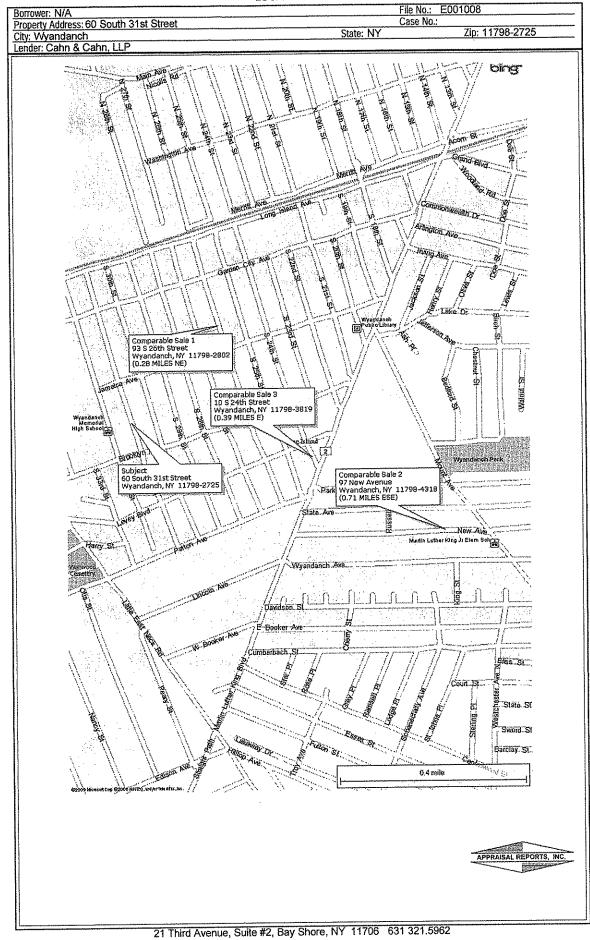
PLAT MAP

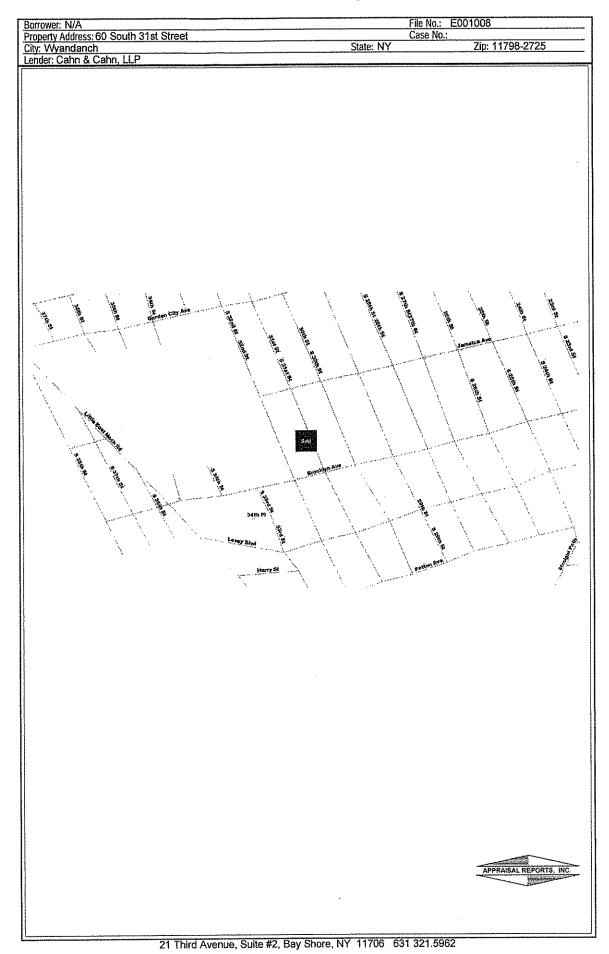
Borrower: N/A	File No.:	E001008
Property Address: 60 South 31st Street	Case No	
City: Wyandanch	State: NY	Zip: 11798-2725
Lender: Cahn & Cahn, LLP		





LOCATION MAP





## \*\*\*\*\*\*\* QUALIFICATIONS \*\*\*\*\*\*\*\*

#### APPROVED CERTIFICATION

I, Kevin W. Matheson, do hereby certify to the best of my knowledge and belief the following to be true and correct

The reported analysis, opinions and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, unbiased professional analysis, opinions and conclusions.

I have no personal or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved.

My compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.

I have made a personal viewing of the property that is the subject of this report.

I certify that this report has been prepared in conformity with the requirements of the code of professional ethics and standards of professional practice of the Columbia Society of Real Estate Appraisers and the Appraisal Institute.

I further certify that the use of this report is subject to the requirements of the Appraisal Institute and the Columbia Society of Real Estate Appraisers relating to review by their duly authorized representatives.

I do not authorize the out-of-context quoting from or partial reprinting of this appraisal report. Further, neither all nor any part of this appraisal report shall be disseminated to the general public communication without prior written consent of the appraiser(s) signing this appraisal report.

As of the date of this appraisal report, Kevin W. Matheson has completed the requirements of the continuing education program of the Appraisal Institute and the Columbia Society of Real Estate Appraisers.

Kevin W. Matheson, SRA, CSA-R Chief Appraiser NYS Certified Residential Real Estate Appraiser #45-1526 Expires 12/30/09

### \*\*\*\*\*\*\*\*\*\* QUALIFICATIONS \*\*\*\*\*\*\*\*\*

Kevin W. Matheson, SRA, CSA-R New York State Certified Residential Real Estate Appraiser State of New York Unique ID #45-00001526

Mr. Matheson began appraising in 1985. He has specialized in the down state New York area. He is been very active serving the appraisal profession. Kevin is a State Certified Residential Real Estate Appraiser, receiving his SRA and IFA designations in 1993 and his CSA designation in 2001.

Mr. Matheson is the President of Appraisal Reports, Inc., located in Suffolk County New York.

Mr. Matheson has held several positions with the Long Island Chapter of the Appraisal Institute over past years, which would include the Chairman of the Residential Education Committee, Board Member, Chairman of the Associate Guidance Committee and was the LDAC Representative in Washington DC for the years 2002 and 2003. Presently he is the President of the Long Island Chapter.

In addition to those positions, Mr. Matheson has also been very involved with the National Association of Independent Fee Appraisers; positions include Past President of the Long Island Chapter, Past New York State Director and a member of the Board of Directors for the NAIFA Long Island Chapter.

Mr. Matheson has worked with the Federal Reserve Bank of New York and the Long Island Home Purchase Process Initiative Committee. He is an advisor for the New York Department of State License Bureau, doing review work when claims of fraud are brought against an appraiser. He has testified before State hearings on such cases.

#### Association Memberships

Past Chairman New York State Appraisers Coalition
Past Treasure New York State Appraisers Political Action Committee
United States Power Squadron, Great South Bay Squadron, Grade: Advanced Pilot
Past Board Member of the Lions Club of Bay Shore
Past Board Member West Islip Soccer Club

## \*\*\*\*\*\* QUALIFICATIONS \*\*\*\*\*\*\*\*

#### COURSES

Standards of Professional Practice SSP - given by The Appraisal Institute

American Disabilities Act - given by The NAIFA

Appraisal Course 8/1 - given by AIREA.

Residential Appraising for Fannie Mae - given by Fannie Mae.

Narrative Writing - given by AIREA.

Appraising the Residential Home - given by Henry Harrison.

Appraisal Course 8/2 given by AIREA.

Residential Real Estate Report Writing R3 given - by The NAIFA

Understanding Limited Appraisals - given by The Appraisal Institute

Basic Construction Terminology - given by The NAIFA

Home Inspections - Common Defects in Homes - given by The NAIFA

Basic Residential HUD Appraisal Requirements - given by The NAIFA is The Comparable a Comparable - given by The NAIFA

Instructors Conference - given by The NAIFA

Appraisal Litigation - given by The NAIFA

Mock Trial - given by The NAIFA

FNMA Update - Fannie Mae

Fair Lending Requirements - given by The NAIFA

Litigation Skills for the Appraiser - given by The Appraisal Institute

Income Valuation of Small, Mixed Use Properties - given by The Appraisal Institute

Residential Property Construction & Inspection- given by The Appraisal Institute

AIREA is the American Institute of Real Estate Appraisers, now known as, The Appraisal Institute.

NAIFA is the National Association of Independent Fee Appraisers.

## \*\*\*\*\*\*\* QUALIFICATIONS \*\*\*\*\*\*\*\*

Income Property Utilizing the 71B Form- given by The NAIFA

Desktop Underwriting and The Homestyle Program- given by Famine Mae

American National Standard for Measuring- given by The NAIFA

The Future of Residential Appraising given by The Appraisal Institute

Regression Analysis, given by The Appraisal Institute

The Internet and The Real Estate Appraiser, given by The NAIFA

ANSI Standards of Measurement, given by The NAIFA

AQI Fair Housing & Environmental Concerns of Appraisers, Given by The Appraisal Institute

FHA/HUD 4.7 Residential HUD Appraisal Requirements- given by The NAIFA

Eminent Domain and Condemnation Appraising- given by The Appraisal Institute

The Federal Trade Commission's Final Privacy Regulations- given by The Columbia Society of Real Estate Appraisers

Real Estate Market Trends in The Long Island and Metropolitan New York Markets- given by The Appraisal Institute

The appraiser as an Expert Witness: Preparation and Testimony- given by The Appraisal Institute

Observing Detrimental Property Conditions- given by The Appraisal Institute

Environmental Site Assessments- given by The Appraisal Institute

Real Estate Fraud: The Appraisers Responsibilities and Liabilities- given by The Appraisal Institute

Appraising Environmentally Contaminated Properties: Understanding and Evaluating Stigma-given by The Appraisal Institute

AIREA is the American Institute of Real Estate Appraisers, now known as, The Appraisal Institute.

NAIFA is the National Association of Independent Fee Appraisers.

# Exhibit K

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

IN RE: LEHMAN BROTHERS HOLDINGS, INC., et al.,

Hearing Date & Time: May 12, 2010 at 10:00am

Chapter 11 Case No. 08-13555 (JMP)

(Jointly Administered)

Debtors.	

# ORDER TERMINATING AUTOMATIC STAY UNDER SECTION 362 OF THE BANKRUPTCY CODE WITH RESPECT TO REAL PROPERTY

Upon consideration of the Motion for Relief From Automatic Stay Pursuant to 11 U.S.C. §§ 362(d)(1) & (2) With Respect to Real Property known as 60 South 31<sup>st</sup> Street, Wyandanch, New York (the "Motion") filed by U.S. Bank National Association, Trustee for Lehman Brothers Securitization Name Structured Asset Investment Loan Trust ("Movant"), and any response thereto; the Court having determined that (1) the Court has jurisdiction over the Motion pursuant to 28 U.S.C. §§ 157 and 1334; (2) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); (3) venue is proper pursuant to 28 U.S.C. § 1409(a); and (4) service upon the parties stated on the Certificate of Service is adequate under the circumstances; and the Court having further determined that the Debtor, BNC Mortgage, LLC, does not have an equity interest in the real property located at 60 South 31<sup>st</sup> Street, Wyandanch, New York, SCTM #0100-054.00-02.00-016.000 and 0100-054.00-02.00-017.000 (the "Property"); and that the Debtor's interest in the Property, if any, is not necessary to an effective reorganization; and the Court having further determined that cause exists to grant Movant relief from the automatic stay with respect to the Property because Movant's interest in the Property is not adequately protected; it is

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**ORDERED** that the Motion be and the same is hereby **GRANTED**; and it is

further

ORDERED that pursuant to 11 U.S.C. § 362(d), to the extent the automatic stay

is otherwise applicable, Movant is hereby granted relief from the automatic stay, and the

automatic stay is terminated with respect to Movant's interest in the Property. Movant is hereby

permitted to exercise its non-bankruptcy rights under applicable law against the Property,

including but not limited to foreclosure of the Mortgage; and it is further

**ORDERED** that this Order is effective immediately and is not stayed by

operation of law, notwithstanding the temporary stay provisions of Fed. R. Bankr. P. 4001(a)(3).

Dated: New York, NY April \_\_\_\_\_, 2010

Hon Tames M Peck

Hon. James M. Peck U.S. Bankruptcy Judge